IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 1444 OF 2007

Mr. Paramjitsingh Ghai ..Petitioner

Vs.

Mathranis Civil Engineers and anr. ..Respondents

Ms. P.P. Tendulkar i/by S.P. Hulyalikar for petitioner.

Mr. D.P. Adsule, APP for State.

CORAM: B.H. MARLAPALLE, J.

Date : August 14, 2007.

P.C.:

1. Heard Ms. Tendulkar the learned counsel for the petitioner who has filed Criminal Appeal No. 268 of 2007 against the order of conviction and sentence passed under Section 138 of the Negotiable Instruments Act, 1881 and has been sentenced to suffer SI for one year and to pay a fine of Rs.7,80,000/-. In the said appeal, the petitioner filed an application at Exh.5

praying for suspension of the order of sentence and for being released on bail and the said application came to be allowed by the learned Ad-hoc Additional Sessions Judge - 6 at Pune on 5/6/2007 but with a condition that the petitioner shall deposit half of the find amount i.e. Rs.7,80,000/-. The petitioner states that he is not in a position to deposit almost Rs.3,40,000/- as a condition precedent for suspending the order of conviction during the pendency of the appeal.

2. Having heard the learned counsel for the petitioner and having perused the order passed by the Lower Appellate Court on 5/6/2007, I am satisfied that deposit of Rs.2,00,000/- will be a reasonable amount for staying the order of sentence instead of 50% of the total amount of fine.

3. Hence, it is directed that the petitioner shall deposit an amount of Rs.2,00,000/- within a period of six weeks from today with the Lower

Appellate Court and the remaining terms of the order dated 5/6/2007 remain unchanged. The order dated 5/6/2007 stands modified accordingly.

4. Petition is disposed off in terms of the above directions.

5. Writ to go forthwith.

(B.H. Marlapalle,J.)